

### ***Caution: DRAFT FORM***

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If you have any comments on this draft form, you can submit them to us on our web site. Include the word DRAFT in your response. You may make comments anonymously, or you may include your name and e-mail address or phone number. We will be unable to respond to all comments due to the high volume we receive. However, we will carefully consider each suggestion. So that we can properly consider your comments, please send them to us within 30 days from the date the draft was posted.

**Information Return of a 25% Foreign-Owned U.S. Corporation  
or a Foreign Corporation Engaged in a U.S. Trade or Business**  
(Under Sections 6038A and 6038C of the Internal Revenue Code)

OMB No. 1545-0805

For tax year of the reporting corporation beginning ..... and ending .....

**Note:** Enter all information in English and money items in U.S. dollars.**Part I Reporting Corporation** (See instructions.) All reporting corporations must complete Part I.

<b>1a</b> Name of reporting corporation		<b>1b</b> Employer identification number	
Number, street, and room or suite no. (if a P.O. box, see instructions)		<b>1c</b> Total assets	
City or town, state, and ZIP code (If a foreign address, see instructions.)		\$	
<b>1d</b> Principal business activity ▶		<b>1e</b> Principal business activity code ▶	
<b>1f</b> Total value of gross payments made or received (see instructions) reported on <b>this</b> Form 5472		<b>1g</b> Total number of Forms 5472 filed for the tax year	
\$		\$	
<b>1i</b> Check here if this is a consolidated filing of Form 5472 . . . ▶ <input type="checkbox"/>	<b>1j</b> Country of incorporation	<b>1k</b> Country(ies) under whose laws the reporting corporation files an income tax return as a resident	<b>1l</b> Principal country(ies) where business is conducted
<b>2</b> Check here if, at any time during the tax year, any foreign person owned, directly or indirectly, at least 50% of (a) the total voting power of all classes of the stock of the reporting corporation entitled to vote, or (b) the total value of all classes of stock of the reporting corporation . . . ▶ <input type="checkbox"/>			

**Part II 25% Foreign Shareholder** (See instructions.)

<b>1a</b> Name and address of direct 25% foreign shareholder		<b>1b</b> U.S. identifying number, if any	
<b>1c</b> Principal country(ies) where business is conducted	<b>1d</b> Country of citizenship, organization, or incorporation	<b>1e</b> Country(ies) under whose laws the direct 25% foreign shareholder files an income tax return as a resident	
<b>2a</b> Name and address of direct 25% foreign shareholder		<b>2b</b> U.S. identifying number, if any	
<b>2c</b> Principal country(ies) where business is conducted	<b>2d</b> Country of citizenship, organization, or incorporation	<b>2e</b> Country(ies) under whose laws the direct 25% foreign shareholder files an income tax return as a resident	
<b>3a</b> Name and address of ultimate indirect 25% foreign shareholder		<b>3b</b> U.S. identifying number, if any	
<b>3c</b> Principal country(ies) where business is conducted	<b>3d</b> Country of citizenship, organization, or incorporation	<b>3e</b> Country(ies) under whose laws the ultimate indirect 25% foreign shareholder files an income tax return as a resident	
<b>4a</b> Name and address of ultimate indirect 25% foreign shareholder		<b>4b</b> U.S. identifying number, if any	
<b>4c</b> Principal country(ies) where business is conducted	<b>4d</b> Country of citizenship, organization, or incorporation	<b>4e</b> Country(ies) under whose laws the ultimate indirect 25% foreign shareholder files an income tax return as a resident	

**Part III Related Party** (See instructions.)Check applicable box: Is the related party a ☐ foreign person or ☐ U.S. person?

All reporting corporations must complete this question and the rest of Part III.

<b>1a</b> Name and address of related party		<b>1b</b> U.S. identifying number, if any	
<b>1c</b> Principal business activity ▶		<b>1d</b> Principal business activity code ▶	
<b>1e</b> Relationship—Check boxes that apply: <input type="checkbox"/> Related to reporting corporation <input type="checkbox"/> Related to 25% foreign shareholder <input type="checkbox"/> 25% foreign shareholder			
<b>1f</b> Principal country(ies) where business is conducted		<b>1g</b> Country(ies) under whose laws the related party files an income tax return as a resident	

**Part IV Monetary Transactions Between Reporting Corporations and Foreign Related Party**

**Caution:** *Part IV must be completed if the "foreign person" box is checked in the heading for Part III.*  
If estimates are used, check here ☐ . (See instructions.)

1	Sales of stock in trade (inventory)	1	
2	Sales of tangible property other than stock in trade	2	
3	Rents and royalties received (for other than intangible property rights)	3	
4	Sales, leases, licenses, etc., of intangible property rights (e.g., patents, trademarks, secret formulas)	4	
5	Consideration received for technical, managerial, engineering, construction, scientific, or like services	5	
6	Commissions received	6	
7	Amounts borrowed (see instructions) a Beginning balance _____ b Ending balance or monthly average ▶	7b	
8	Interest received	8	
9	Premiums received for insurance or reinsurance	9	
10	Other amounts received (see instructions)	10	
11	<b>Total.</b> Combine amounts on lines 1 through 10	11	
12	Purchases of stock in trade (inventory)	12	
13	Purchases of tangible property other than stock in trade	13	
14	Rents and royalties paid (for other than intangible property rights)	14	
15	Purchases, leases, licenses, etc., of intangible property rights (e.g., patents, trademarks, secret formulas)	15	
16	Consideration paid for technical, managerial, engineering, construction, scientific, or like services	16	
17	Commissions paid	17	
18	Amounts loaned (see instructions) a Beginning balance _____ b Ending balance or monthly average ▶	18b	
19	Interest paid	19	
20	Premiums paid for insurance or reinsurance	20	
21	Other amounts paid (see instructions)	21	
22	<b>Total.</b> Combine amounts on lines 12 through 21	22	

**Part V Nonmonetary and Less-Than-Full Consideration Transactions Between the Reporting Corporation and the Foreign Related Party**

Describe these transactions on an attached separate sheet and check here. ☐ (See instructions.)

**Part VI Additional Information**

All reporting corporations must complete Part VI.

1	Does the reporting corporation import goods from a foreign related party?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2a	If "Yes," is the basis or inventory cost of the goods valued at greater than the customs value of the imported goods?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If "No," <b>do not</b> complete b and c below.			
b	If "Yes," attach a statement explaining the reason or reasons for such difference.		
c	If the answers to questions 1 and 2a are "Yes," were the documents used to support this treatment of the imported goods in existence and available in the United States at the time of filing Form 5472?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Changes to Note**

Lines 1h and 2 have been added to Part I of the form. All reporting corporations must complete line 1h and consider line 2.

**Purpose of Form**

Use Form 5472 to provide information required under sections 6038A and 6038C when reportable transactions occur during the tax year of a reporting corporation with a foreign or domestic related party. See **Definitions** below.

**Definitions**

**Reporting corporation.** A reporting corporation is either:

- A 25% foreign-owned U.S. corporation **or**
- A foreign corporation engaged in a trade or business within the United States.

**25% foreign owned.** A corporation is 25% foreign owned if it has at least one direct or indirect 25% foreign shareholder at any time during the tax year.

**25% foreign shareholder.** Generally, a foreign person (defined on page 3) is a 25% foreign shareholder if the person owns, directly or indirectly, at least 25% of either:

- The total voting power of all classes of stock entitled to vote **or**
- The total value of all classes of stock of the corporation.

The constructive ownership rules of section 318 apply with the following modifications to determine if a corporation is 25% foreign owned. Substitute "10%" for "50%" in section 318(a)(2)(C). Do not apply sections 318(a)(3)(A), (B), and (C) so as to consider a U.S. person as owning stock that is owned by a foreign person.

**Related party.** A related party is:

- Any direct or indirect 25% foreign shareholder of the reporting corporation,
- Any person who is related (within the meaning of section 267(b) or 707(b)(1)) to the reporting corporation,
- Any person who is related (within the meaning of section 267(b) or 707(b)(1)) to a 25% foreign shareholder of the reporting corporation **or**

• Any other person who is related to the reporting corporation within the meaning of section 482 and the related regulations.

"Related party" does not include any corporation filing a consolidated Federal income tax return with the reporting corporation.

The rules in section 318 apply to the definition of related party with the modifications listed under the definition of **25% foreign shareholder** above.

**Reportable transaction.** A reportable transaction is:

- Any type of transaction listed in Part IV (e.g., sales, rents, etc.) for which monetary consideration (including U.S. and foreign currency) was the sole consideration paid or received during the reporting corporation's tax year **or**
- Any transaction or group of transactions listed in Part IV, if:

1. Any part of the consideration paid or received was not monetary consideration **or**
2. If less than full consideration was paid or received.